REMARKS

This application has been carefully reviewed in light of the Office Action dated November 4, 2010. Claims 1, 4 to 7, 10 to 13 and 16 to 18 remain in the application, of which Claims 1, 7 and 13 are independent. Reconsideration and further examination are respectfully requested.

Claims 1, 7 and 13 were rejected under 35 U.S.C § 103(a) over U.S. Patent No. 6,961,137 (Tamura) in view of U.S. Publication No. 2003/01644986 (Boire-Lavigne) and further in view of "Next-Generation VoIP Network Architecture" (Drew), Claims 4, 10 and 16 were rejected under § 103(a) over Tamura in view of Boire-Lavigne and Drew and further in view of U.S. Publication No. 2003/0026400 (Bashoura), Claims 5, 11 and 17 were rejected under § 103(a) over Tamura in view of Boire-Lavigne and Drew and further in view of U.S. Publication No. 2002/0001302 (Pickett), and Claims 6, 12 and 18 were rejected under § 103(a) over Tamura in view of Boire-Lavigne and Drew and further in view of U.S. Publication No. 2004/0001221 (McCallum). Reconsideration and withdrawal of the rejections in light of the following comments are respectfully requested.

In the present invention, an IP address of a destination station obtained from an SIP proxy server is used in each of image communication based on a predetermined protocol independent of a facsimile protocol and image communication using VoIP data. Further, whether or not the destination station is able to use the predetermined protocol independent of the facsimile protocol is discriminated, and if it is, image data is transmitted/received based on the predetermined protocol, while if it is not, the image data is transmitted/received based on the facsimile protocol using the VoIP data.

According to the present invention, image data can be transmitted at a high speed using the predetermined protocol independent of the facsimile protocol by

conforming to a faculty of the destination station. Also, in the present invention, when the destination is not able to use the predetermined file protocol independent of the facsimile protocol, the second IP communication means transmits/receives image data based on the facsimile protocol using the VoIP data. In this case, since the VoIP data (including a telephone number data) is transmitted/received to/from a gateway of the destination using the IP address of the destination station, it is not required to redial the destination via a public line so as to change over to the facsimile communication. Further, since the gateway of the destination is merely required to convert the VoIP data to a signal having a band used for a voice call and not required to read a facsimile protocol, a configuration of the gateway can be simplified.

Referring specifically to the amended claim language, Claim 1 is directed to a communication apparatus which includes IP (Internet Protocol) communication means and transmits/receives communication data to/from a destination station discriminated by a telephone number, comprising, IP address obtaining means for obtaining an IP address of the destination station from an SIP (Session Initiation Protocol) proxy server based on the telephone number of the destination station, facsimile communication means for performing facsimile communication to/from the destination station, converting means for converting a signal received/transmitted from/to said facsimile communication means without via a line switching network, into VoIP (Voice over Internet Protocol) data on an IP network, IP network connecting means for connecting to the IP network, discriminating means for discriminating whether or not the destination station is able to transmit/receive communication data on the IP network based on a predetermined file transmit/receive protocol independent of a facsimile protocol, first IP communication means for transmitting/receiving image data to/from the destination station based on a predetermined

file transmit/receive protocol independent of a facsimile protocol in accordance with a discrimination result that the destination station is able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the image data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station, and second IP communication means for transmitting/receiving image data to/from the destination station based on the facsimile protocol by said facsimile communication means, and transmitting/receiving the VoIP data obtained through said converting means to/from a gateway of the destination station, in accordance with a discrimination result that the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the VoIP data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station.

Claims 7 and 13 are method and computer medium claims, respectively, that substantially correspond to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of amended Claims 1, 7 and 13, and in particular, is not seen to disclose or to suggest at least the features of i) discriminating means for discriminating whether or not the destination station is able to transmit/receive communication data on the IP network based on a predetermined file transmit/receive protocol independent of a facsimile protocol, ii) first IP communication means for transmitting/receiving image data to/from the destination station based on a predetermined file transmit/receive protocol independent of a facsimile protocol in accordance with a

discrimination result that the destination station is able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the image data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station, and iii) second IP communication means for transmitting/receiving image data to/from the destination station based on the facsimile protocol by said facsimile communication means, and transmitting/receiving the VoIP data obtained through said converting means to/from a gateway of the destination station, in accordance with a discrimination result that the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the VoIP data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station.

Tamura discloses an Internet fax device that is capable of exchanging fax images over a PTSN and are also capable of exchanging messages over the Internet. An Internet fax device is called via the PTSN, and if it has Internet capabilities, it provides such an indication, whereby the calling device sends a URL of a fax image stored on a server to the called device. The called Internet fax device, after disconnection of the line, can then receive the fax image from the server using the URL. Tamura is not, however, seen to disclose or to suggest at least the features of i) discriminating means for discriminating whether or not the destination station is able to transmit/receive communication data on the IP network based on a predetermined file transmit/receive protocol independent of a facsimile protocol, ii) first IP communication means for transmitting/receiving image data to/from the destination station based on a predetermined

file transmit/receive protocol independent of a facsimile protocol in accordance with a discrimination result that the destination station is able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the image data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station, and iii) second IP communication means for transmitting/receiving image data to/from the destination station based on the facsimile protocol by said facsimile communication means, and transmitting/receiving the VoIP data obtained through said converting means to/from a gateway of the destination station, in accordance with a discrimination result that the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the VoIP data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station.

Boire-lavigne discloses utilizing T.38 communication which is dependent on the facsimile protocol. In Boire-Lavigne, a facsimile communication apparatus and a VoIP gateway communicate with each other via a line switching network (PSTN). When the facsimile communication apparatus communicates with a destination station using a VoIP network (IP Network), the line switching network (PSTN) is used. In the T.38 communication, a gateway needs to read the facsimile protocol. Accordingly, as compared to the present invention, a cost for installation of such gateway is very high. Therefore, Boire-Lavigne is not seen to teach anything that, when combined with Tamura, would have resulted in at least the features of i) discriminating means for discriminating whether or not the destination station is able to transmit/receive communication data on the IP network

based on a predetermined file transmit/receive protocol independent of a facsimile protocol, ii) first IP communication means for transmitting/receiving image data to/from the destination station based on a predetermined file transmit/receive protocol independent of a facsimile protocol in accordance with a discrimination result that the destination station is able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the image data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station, and iii) second IP communication means for transmitting/receiving image data to/from the destination station based on the facsimile protocol by said facsimile communication means, and transmitting/receiving the VoIP data obtained through said converting means to/from a gateway of the destination station, in accordance with a discrimination result that the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the VoIP data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station.

Drew solely discloses that a VoIP network is employed. However, Drew, is not seen to teach anything that, when combined with Tamura and/or Boire-Lavigne, would have resulted in at least the features of i) discriminating means for discriminating whether or not the destination station is able to transmit/receive communication data on the IP network based on a predetermined file transmit/receive protocol independent of a facsimile protocol, ii) first IP communication means for transmitting/receiving image data to/from the destination station based on a predetermined file transmit/receive protocol independent

of a facsimile protocol in accordance with a discrimination result that the destination station is able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the image data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station, and iii) second IP communication means for transmitting/receiving image data to/from the destination station based on the facsimile protocol by said facsimile communication means, and transmitting/receiving the VoIP data obtained through said converting means to/from a gateway of the destination station, in accordance with a discrimination result that the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol independent of the facsimile protocol, wherein the VoIP data is transmitted/received via the IP network connecting means without via a line switching network, using the obtained IP address of the destination station.

In view of the foregoing amendments and remarks, Claims 1, 7 and 13, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believe to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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